

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: Old LC, Inc. <i>et al.</i> , Debtors.	Chapter 11 Case No. 19-11791 (BLS)
Official Committee of Unsecured Creditors of Old LC, Inc., <i>et al.</i> , for and on behalf of the estates of Old LC, Inc., <i>et al.</i> , <i>The Committee</i> , v. Upfront V, LP, Breakwater Credit Opportunities Fund, L.P., <i>et al.</i> , <i>Defendants.</i>	Adv. No. 20-51002 (BLS)

**MOTION FOR PARTIAL
SUMMARY JUDGMENT OF BREAKWATER DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 56, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7056, Defendants Breakwater Credit Opportunities Fund, L.P., Saif Mansour, Aamir Amdani, Eric Beckman, Darrick Geant, and Joseph Kaczorowski (together with Breakwater, the “Movants”)¹ hereby move for partial summary judgment on Counts I - IV of the Complaint.

As grounds, the Movants rely on the declaration of Shannon B. Wolf, the exhibits thereto, their Statement of Undisputed Material Facts, and the *Memorandum of Law in Support of Motion for Partial Summary Judgment of Breakwater Defendants* filed herewith.

¹ Capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the *Memorandum of Law in Support of Motion for Partial Summary Judgment of Breakwater Defendants*, filed contemporaneously herewith.

LOCAL RULE 7012-1 STATEMENT

Pursuant to Rule 7012-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware, the Movants advise the Court that they do not waive, and to the contrary affirmatively assert, all of their rights under Article III of the Constitution of the United States to, among other things, have all final orders and/or judgments in this matter determined by an Article III court. Pursuant to the Amended Standing Order of Reference from the United States District Court for the District of Delaware dated February 29, 2012 (“Order”), the Movants understand that it is the practice of this Court and of the District Court that this Court will ordinarily retain supervision of this action for initial review of any pretrial motions, subject to potential further review in the District Court. The Movants’ adherence to the practice set out by the District Court in the Order may not be deemed a waiver of any Article III Rights.

WHEREFORE, partial summary judgment should enter in favor of Movants on Counts I, II, IV and so much of Count III as concerns alleged loss of corporate recapitalization opportunities, and the Court should grant such other and further relief as may be just and proper.

Dated: June 17, 2021
Wilmington, Delaware

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